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General Assembly

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Sixtieth session
Item 76 (b) of the preliminary list*
Oceans and the law of the sea: sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments

Letter dated 29 March 2005 from the Chargé d'affaires a.i. of the Permanent Mission of the Libyan Arab Jamahiriya to the United Nations addressed to the Secretary-General

Emanating from the Libyan Arab Jamahiriya's commitment to protect the marine environment and to preserve its marine living resources, and in contributing to guarantee a rational and sustainable exploitation which seeks to protect fisheries from illegal, unorganized and undeclared fishing, and acting according to the Protocol concerning areas that enjoy special protection in the Mediterranean Sea as issued by the contracting parties of the Agreement to Protect the Mediterranean Sea from Pollution concluded in 1976, and in implementation of the Convention to Strengthen the Adherence of Fishing Vessels on the High Seas to the International Arrangement aimed at the preservation and management of marine living resources, which was agreed upon by the Food and Agriculture Organization of the United Nations in 1993, and in strengthening the Venice Ministerial Conference on sustainable development relating to fishing activities in the Mediterranean Sea in 2003 and the contents of the said declaration concerning the right of the Mediterranean Basin States to create protected marine fishing zones to preserve and supervise fisheries, and to contribute in assuring a better management of these resources and combating against illegal, unorganized and undeclared marine fishing activities, the Libyan Arab Jamahiriya hence has declared that the areas to the north of the Libyan territorial waters, which extend up to 62 nautical miles into the sea, starting from the territorial sea line, are a fishing area that falls under its jurisdiction and sovereignty in the Mediterranean Sea according to the provisions of the attached Declaration (see annex).

* A/60/50 and Corr.1.

05-29385 (E) 050405 060405

While I wish to inform your excellency of this decision, I kindly request that it be circulated as a document of the General Assembly under item 76 (b) of the preliminary list.

(*Signed*) Ahmed A. **Own**
Chargé d'affaires a.i.

Annex to the letter dated 29 March 2005 from the Chargé d'affaires a.i. of the Permanent Mission of the Libyan Arab Jamahiriya to the United Nations addressed to the Secretary-General

[Original: Arabic]

There is no democracy without
people's congresses

The Great Socialist People's Libyan Arab Jamahiriya
General People's Committee

General People's Committee Decision No. 37 of 1373 from the death of the Prophet (AD 2005) concerning the declaration of a Libyan fisheries protection zone in the Mediterranean Sea

The General People's Committee,

Having examined:

- The Penal Code;
- The Code of Criminal Procedure;
- Law No. 14 of AD 1989 concerning the organization of the exploitation of marine resources;
- Law No. 15 of the year 1371 from the death of the Prophet concerning the protection and improvement of the environment;
- Law No. 01 of the year 1369 from the death of the Prophet concerning people's congresses and people's committees and the related implementing regulation;
- The decisions of the General People's Committee at its second regular meeting of the year 1369 from the death of the Prophet;
- The decisions of the Secretariat of the General People's Committee at its sixth regular meeting of the year 1373 from the death of the Prophet,

Decides as follows:

Article 1

A Libyan fisheries protection zone in the Mediterranean Sea is hereby declared in accordance with the text of the annexed declaration.

Article 2

No fishing of any kind or by any means shall be permitted in the zone referred to in article 1 except by permit from the competent authorities. A decision shall be adopted by the Secretariat of the General People's Committee defining the competent authority and the terms of the permit and related controls. In the event of any violation thereof, the perpetrators shall be liable to the penalties provided for in the legislation in force.

Article 3

The present decision shall enter into force as from the date of its adoption and the competent authorities shall be responsible for its enforcement. It shall be published in the official gazette.

(*Signed*) [Illegible]
General People's Committee (Decisions)
Great Socialist People's Libyan Arab Jamahiriya

Adopted on 16 Muharram, corresponding to 24/02 of the year 1373 from the death of the Prophet (AD 2005).

(Department of Legal Affairs)

Declaration of a Libyan Fisheries Protection Zone in the Mediterranean Sea

The Great Socialist People's Libyan Arab Jamahiriya,

Considering its international obligations in the area of protection of the marine environment and preservation of the living resources of the Mediterranean Sea,

Desiring to help ensure reasonable and sustainable exploitation within the framework of rational management of those resources,

Seeking to protect marine fisheries against illegal, unregulated and unreported fishing,

Pursuant to the Protocol Concerning Mediterranean Specially Protected Areas, adopted by the parties to the Convention for the Protection of the Mediterranean Sea against Pollution concluded in February AD 1976, and in particular the following provision of article 1 of the Protocol: "The Contracting Parties to this Protocol ... shall take all appropriate measures with a view to protecting those marine areas which are important for the safeguard of the natural resources and natural sites of the Mediterranean Sea Area",

Pursuant also to the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, adopted on 24 November AD 1993 by the Conference of the Food and Agriculture Organization of the United Nations (FAO) at the twenty-seventh session, by its resolution 15/93, and in particular the provisions of article 3 thereof concerning the responsibility of the flag State to "take such measures as may be necessary to ensure that fishing vessels entitled to fly its flag do not engage in any activity that undermines the effectiveness of international conservation and management measures",

Pursuant further to the Code of Conduct for Responsible Fishing, adopted on 31 October AD 1995 by the FAO Conference at its twenty-eighth session, by its resolution 4/95, which lays down the principles and standards to be applied for the conservation, management and development of all resources and provides the necessary framework for national and international efforts aimed at guaranteeing sustainable exploitation of living marine resources, in harmony with the environment, especially the provision of paragraph 7.1.1. of article 7, "Fisheries management", which reads: "... all those engaged in fisheries management should, through an appropriate policy, legal and institutional framework, adopt measures for the long-term conservation and sustainable use of fisheries resources. Conservation and management measures, whether at local, national, subregional or regional levels, should be based on the best scientific evidence available and be designed to ensure the long-term sustainability of fishery resources at levels which promote the objective of their optimum utilization and maintain their availability for present and future generations; short-term considerations should not compromise these objectives",

With a view to promoting the Declaration of the Ministerial Conference for the Sustainable Development of Fisheries in the Mediterranean, held in Venice on 25 and 26 November 2003, paragraph 10 of which states: "we consider that the creation of fisheries protection zones permits the improvement of conservation and

control of fisheries and thus contributes to better resource management and to our common commitment to combat IUU [illegal, unreported and unregulated] fishing",

Declares:

I. That the area of the Mediterranean Sea lying north of the boundaries of Libyan territorial waters and extending seaward for a distance of 62 nautical miles, measured from the territorial sea line, is a fisheries zone subject to Libyan sovereignty and jurisdiction in which fishing, be it domestic or foreign, of any kind, for any purpose and by any means is prohibited unless the competent Libyan authorities have issued a permit to the person or persons concerned to conduct fishing operations in such areas in accordance with the laws and regulations in force in the Great Jamahiriya.

II. The present Declaration shall enter into force as from the date of its issuance and shall be deposited with the United Nations. It shall be published in all the media both locally and internationally.

(*Signed*) [Illegible]
General People's Committee
Decisions
Great Socialist People's Libyan Arab Jamahiriya

Issued in Tripoli on 16 Muharram the year 1373 from the death of the Prophet (24 February 2005).